



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shuichi KOHAYASHI et al.

Group Art Unit: 2841

Application No.: 10/771,381

Examiner: I. PATEL

Filed: February 5, 2004

Docket No.: 118575

For: OXIDE SUPERCONDUCTOR CURRENT LEAD AND METHOD OF
MANUFACTURING THE SAME, AND SUPERCONDUCTING SYSTEM

RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the June 12, 2007 Notice of Non-Responsive Amendment, it is alleged that the March 8, 2007 Amendment is not fully responsive because amended claim 7 does not read on elected species Figs. 9A-9C, but rather reads on Figs. 8A-8D. Applicants assert that the Amendment is fully responsive because (1) an Election of Species was never required between Figs. 8A-8D and Figs. 9A-9C, and (2) both Figs. 8A-8D and 9A-9C should be a part of the same species.

(1) Pages 3-5 of the July 18, 2005 Election of Species Requirement requested that Applicants elect between Fig. 1 and Fig. 9. Nowhere is it asserted that Applicants were to elect between Figs. 8A-8D and Figs. 9A-9C. Accordingly, the assertion that Figs. 8A-8D is in a species different than in Figs. 9A-9C is improper because an Election of Species was not asserted between the different figures. Furthermore, Applicants have not been given the opportunity to select between Figs. 8A-8D and 9A-9C.

(2) Figs. 8A-8D and Figs. 9A-9C are described with Applicants' second embodiment beginning on page 38 of the specification. Applicants fail to see how Figs. 8A-8D and Figs. 9A-9C are part of different species when support for claim 7 is collectively found in Figs. 8A-10.

Accordingly, Applicants assert that the March 8, 2007 Amendment is fully responsive and should be considered.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:SMS/sxb

Date: July 12, 2007

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